

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ALAN M. OBERC,** §  
Plaintiff, §  
vs. § Civil Action No. 3:13-CV-1010-N-BH  
§  
**FAIRLANE CAPITAL INC. d/b/a** §  
**BREEZE LAUNDRY,** §  
Defendant. § Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

*Defendant's Rule 12(b)(6) Motion to Dismiss and Brief in Support*, filed September 16, 2014 (doc. 109), is **GRANTED in part and DENIED in part**. The plaintiff's claim for intentional infliction of emotional distress is dismissed with prejudice, and his request for attorney's fees will be considered only as part of his request for exemplary damages.

**SIGNED** this 2<sup>nd</sup> day of July, 2015.

  
DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS